



Draft Chesapeake Bay TMDL Comments by the City of Rockville, Maryland

RE: Docket ID No. EPA-R03-OW-2010-0736

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1. U.S. EPA should induce the States to expand their nonpoint source regulatory programs.

Section 7, *Reasonable Assurance and Accountability Framework*, states: “without a demonstration of reasonable assurance that nonpoint source allocations will be met, a TMDL would have to assign all necessary reductions to the point sources.” Rockville believes the opposite should also hold true, if the States’ cannot demonstrate that reductions from point sources are feasible, the States should consider further reductions from the nonpoint sources. While EPA lacks the ability to directly regulate nonpoint sources such as agriculture, non-urban stormwater, and forestry activities, EPA still has a responsibility to offer reasonable assurances that a TMDL is implementable. Therefore, where further reductions of point sources are infeasible, EPA should direct States to consider further options to obtain greater load reductions from the nonpoint sources.

Included with these comments are the City of Rockville’s comments made to the State of Maryland on their Draft Watershed Implementation Plan. These comments raise several concerns about the administrative, financial, and technical shortcomings associated with relying predominantly on increased point source controls to implement this TMDL. Considering these concerns, EPA should request that Maryland and the other states reconsider implementation strategies to strike a more appropriate balance between point and nonpoint sources.

2. U.S. EPA should undertake an intensive effort to develop local program capacity to manage stormwater utilities.

As stated in the Maryland Draft Watershed Implementation Plan, the TMDL will heavily rely on local funding sources to implement the pollutant reductions expected on MS4 communities. Costs, time, and technical expertise will all be significant barriers to local stormwater programs enacting local funding sources. Therefore, we encourage U.S. EPA to devote substantial resources to building capacity in local programs to enact local funding systems, particularly stormwater utility fees. This capacity building effort should include read to use tools for assessing impervious surface cover, developing a rate

structure, and billing customers. For example U.S. EPA should consider hiring contractors to assist local communities to develop customized utilities.

This effort will yield a long term, stable funding source for local programs and will have greater benefits per dollar spent on individual pollution control projects. EPA may lack the funding to help every program build the stormwater retrofits required, but EPA can build the capacity for all programs to be successful.